



NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755-6000

FOIA Case: 74831
20 September 2013

Ms. Heather Akers-Healy
c/o MuckRock News, DEPT MR 6698
P.O. Box 55819
Boston, MA 02205-5819

Dear Ms. Akers-Healy:

This responds to your Freedom of Information Act (FOIA) request submitted via the Internet on 11 September 2013, which was received by this office on 12 September 2013, for "Copies of contracts for 'FinFisher' and/or 'FinSpy' technology and related services over the past 5 years." Your request has been assigned Case Number 74831. For the purpose of fee assessment, you have been placed into the "all other" category for this request. As such, you are allowed 2 hours of search and 100 pages of duplication at no cost to you. There are no assessable fees for this request.

Your request has been processed under the provisions of the FOIA. Based on the keywords you have provided ("FinFisher" and "FinSpy"), a thorough search of our acquisition files was conducted, but no records responsive to your request were located. Information pertaining to contract and acquisition data is not typically stored or retrievable using keywords or "technology and related services" information. DoD Regulation 5400.7-R states that the requester must provide a description of the desired record (i.e. company name or contract number, service/award dates, etc.) so that the Government is able to locate the record with a reasonable amount of effort.

The Initial Denial Authority for NSA information is the Associate Director for Policy and Records, David J. Sherman. The fact that we were unable to locate records responsive to your request may be considered by you as an adverse determination, and you are hereby advised of this Agency's appeal procedures. Any person notified of an adverse determination may file an appeal to the NSA/CSS Freedom of Information Act Appeal Authority. The appeal must be postmarked no later than 60 calendar days after the date of the initial denial letter. The appeal shall be in writing addressed to the NSA/CSS FOIA Appeal Authority (DJ4), National Security Agency, 9800 Savage Road STE

6248, Fort George G. Meade, MD 20755-6248. To aid in processing the appeal, it should reference the inability of the Agency to locate the records you seek, in sufficient detail and particularity, and the grounds upon which you believe this Agency maintains such records. The NSA/CSS FOIA Appeal Authority will endeavor to respond to the appeal within 20 working days after receipt, absent unusual circumstances.

Finally, regarding your request for "any processing notes made in completing this request," please be advised that the FOIA only requires that this Agency search for records that already exist at the time the search is conducted. Since no administrative records, or notes, existed for this case when it was received, we are not obligated to fulfill this portion of your request. However, if you wish to submit a FOIA request for administrative records, you may do so after this request has been closed.

Sincerely,

A handwritten signature in cursive script, appearing to read "Pamela N. Phillips".

PAMELA N. PHILLIPS
Chief
FOIA/PA Office